

Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-
Defendant

v.

APPLE, INC.,

Defendant,
Counterclaimant.

Case No. 4:20-CV-05640-YGR

DECLARATION OF CYNTHIA WILLIAMS
IN RESPONSE TO APPLE INC.'S
ADMINISTRATIVE MOTION TO SEAL
DEPOSITION DESIGNATIONS

I, Cynthia Williams, declare as follows:

1. I am currently the VP Ecosystem Commercial, Gaming at Microsoft Corporation. The facts stated in this declaration are based on my own personal knowledge and, if called as a witness, I could and would testify to those facts.

2. In my current role at Microsoft, I am responsible for commercial partnerships that bring gaming content to Xbox. I have been employed with Microsoft since August 2018. Based on my work experience, I am familiar with Microsoft's licensing practices as it relates to Xbox. Microsoft keeps such information confidential to protect itself and its partners from potential harm.

3. I understand that Apple Inc. intends to submit designated deposition testimony for use at trial, including the Deposition of Joe Kreiner, that contain Microsoft's confidential information in the above-captioned legal case. I have reviewed the designated deposition testimony and explain below why the specific portions of the testimony contain sensitive and highly confidential information that would potentially cause serious harm to Microsoft if publicly released.

4. The highlighted portion of the deposition of Joe Kreiner at 92:9-93:1, specifically lines 14-25, reveal confidential and sensitive information, if released to the public would cause

1 Microsoft harm. Lines 14-25 of the testimony refers to a specific section (2.5.2) of a Microsoft
2 licensing agreement. The provision and description of the contents by the deponent reveals
3 confidential details regarding Microsoft's negotiated relationship with Epic Games, and specific
4 terms regarding the availability of content and timing of content on Xbox. In the video game
5 industry, the timing and availability of games is an important factor in maximizing revenue. This
6 provision reflects Microsoft's strategy with regards to how Microsoft competes for content, and
7 how it differentiates its products from competitors in timing and availability of the games on
8 Xbox. Revealing such specific customer information would release sensitive information about
9 Microsoft's relationship with Epic, and would impact Xbox's relationships with our other
10 customers. If the highlighted information in the deposition were revealed, it would give
11 Microsoft's competitors crucial information that would enable them to structure deals to
12 materially disadvantage Microsoft and our player base.

13 5. The highlighted portion of the deposition at 168:7, 11-20, specifically lines 13-15,
14 reveal confidential and sensitive information, if released to the public would cause Microsoft
15 harm. This testimony reveals a custom agreement provision and the confidential pricing that is
16 part of an Xbox business strategy. Releasing the details of a custom pricing agreement to the
17 public could adversely affect Microsoft's deals with other publishers and be used by competitors
18 to disadvantage Microsoft in future game deals.

19
20 I declare under the penalty of perjury of the laws of the United States of America that the
21 foregoing is true and correct.

22
23 Executed this 1st day of May 2021 in Kihei, Hawaii.

24 
25 CYNTHIA WILLIAMS
26
27
28